

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE CITY OF ALBUQUERQUE,

14-cv-1025 JB/SMV

Defendant,

vs.

THE ALBUQUERQUE POLICE  
OFFICERS' ASSOCIATION,

Intervenor.

**CITY OF ALBUQUERQUE'S STATUS REPORT REGARDING PRODUCTION OF  
PARAGRAPH 298 DATA TO THE INDEPENDENT MONITOR**

Defendant City of Albuquerque respectfully submits this *Status Report Regarding Production of Paragraph 298 Data to the Independent Monitor*, as required by the Court's Order filed August 31, 2020 [Doc. 622]. The City states as follows:

1. On August 27, 2020, the City filed an *Unopposed Motion for Extension of Deadline to File CASA Paragraph 298 Report*. [Doc. 621] Therein, the City moved this Court for an Order extending the deadline for the Independent Monitor to file the report required by Paragraph 298 of the Court-Approved Settlement Agreement (CASA) (hereafter, Paragraph 298 Report).
2. During a status conference on June 8, 2017, Judge Brack ordered that the first Paragraph 298 Report an outcome assessment report, be filed on August 1, 2017. [Doc. 285, p. 14, lines 13-18]

3. The Independent Monitor filed the first Paragraph 298 Report in August of 2017. [Doc. 292]
4. The CASA requires the Paragraph 298 Report to be filed annually. [Doc. 465-1, ¶ 300(c)]
5. The Independent Monitor filed the Paragraph 298 Report in the first half of August in 2018 and 2019. [Docs. 392, 471]
6. In late summer/early fall of 2019, the City learned that there were discrepancies in the arrest and crime data the City was producing.
7. The City hired Peter Winograd, Ph.D., in 2019, to conduct a comprehensive review of APD's data issues and help to resolve them. Dr. Peter Winograd is a Professor Emeritus at the University of New Mexico who received his doctoral degree from the University of Illinois in 1981. Dr. Winograd's areas of expertise include data analysis and policy implications of crime statistics. Dr. Winograd has extensive experience in developing outcome measures in the areas of Use of Force, Crisis Intervention Training and Internal Investigations. Dr. Winograd's previous experience includes establishing the Center for Education Policy Research at UNM; serving as the Education Policy Advisor to Governor Richardson and Director of the New Mexico Office of Education Accountability in the Department of Finance and Administration; and serving as the Director or Co-Director of Policy Centers at the University of New Mexico and University of Kentucky. Dr. Winograd has also served on a number of Boards and is an advisor to a number of foundations, city and state agencies.
8. For over a year, Dr. Winograd and City staff have diligently worked to resolve the issues causing the data discrepancies.

9. The City provided updates to the Independent Monitor and Department of Justice throughout these several months, including on June 10, 2020, July 20, 2020, and August 3, 2020. The City also updated the Court and the public as to the issues regarding accessing data reports at the public hearing on February 11, 2020 and at a status conference on October 6, 2020.
10. On August 27, 2020, the City filed an *Unopposed Motion for Extension of Deadline to File CASA Paragraph 298 Report* [Doc. 621], explaining the status its progress in addressing the issues related to reporting the data relevant to CASA Paragraph 298.
11. As stated therein, the City explained that:
  - a. The City determined that its data warehouse, a central database, was accurately housing information from numerous systems that fed it data, however, when data queries were conducted, the results were not accurate.
  - b. The extant data systems were not communicating properly, which resulted in failures to capture all relevant data from all relevant reports. The City has addressed this issue by revising data queries and validating these queries. Validation was ongoing in August, and was completed on October 5, 2020.
  - c. The extant data systems have been in use by APD since 2009. Updated data queries needed to be written to capture the required data accurately and completely. This issue has been addressed by revising data queries and validating the queries. Validation was ongoing in August, and was completed on October 5, 2020.
  - d. Staffing in the Records Division needed to be increased to improve the efficiency of timeliness of processing. Additional staff was added.

12. Because of these data-related issues, APD was not able to produce data to the Independent Monitor in early 2020, per prior practice, enabling the Independent Monitor to analyze and prepare the Paragraph 298 Report.
13. The City has resolved the data validation and is producing the Paragraph 298 Report data to the Independent Monitor via FedEx today, November 30, 2020. The City is also producing the data to the United States, and thereby producing the data to the United States' recently hired data expert, AH Datalytics.
14. On October 23, 2020, the City filed its Annual Use of Force Report, using the validated data. The City's report addressed data from the years of 2016 through 2019.
15. The City, the United States, the APOA, and the Independent Monitor have discussed the importance of APD providing accurate data in order for the Independent Monitor to conduct the analyses required by Paragraph 298.
16. On August 31, the Court granted the *Unopposed Motion for Extension of Deadline to File CASA Paragraph 298 Report* [Doc. 621], requiring City to file the present *Status Report* and stating it would enter by separate order a deadline for the Independent Monitor to file the Paragraph 298 Report.
17. The Independent Monitor estimates that, at a minimum, it will take approximately twelve weeks to analyze the data and prepare the Paragraph 298 Report. The Independent Monitor will provide a more specific assessment to the Court after he receives the data and conducts a preliminary review of the data.

Respectfully submitted this 30<sup>th</sup> day of November, 2020 by:

Defendant CITY OF ALBUQUERQUE:

ESTEBAN AGUILAR, CITY ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2020 I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties or counsel and the Independent Monitor to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Lindsay Van Meter  
Lindsay Van Meter  
Managing City Attorney